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2
3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 IN RE COMPLIANCE
6 WITH RCW 42.17

7 HARRY OESTREICH

8 Respondent.

) PDC CASE NO.: 03-390
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) **FINAL ORDER IMPOSING FINE**
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9 **INTRODUCTION**

10 The Washington State Public Disclosure Commission (Commission) conducted an
11 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
12 September 3, 2003 with respect to the above-encaptioned matter. The Commission held the
13 hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia,
14 Washington. The Commission held the hearing to determine whether the Respondent
15 violated RCW 42.17.240 by failing to file a Statement of Financial Affairs by April 15,
16 2003. The Staff appeared through Philip E. Stutzman, Director of Compliance. The
17 Respondent was not present at the hearing.
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19 During the hearing, the Staff presented, for the Commission's consideration, the
20 Notice of Administrative Charges issued August 22, 2003, which alleged a violation of
21 RCW 42.17.240, and its exhibits, which included: 1) List of Officials received from the
22 Respondent's jurisdiction demonstrating that the Respondent was required to file the F-1
23 report in 2003; 2) May 7, 2003 Warning Letter reminding the Respondent to file the
24 missing F-1 report; 3) May 23, 2003 Brief Enforcement Hearing Notice; and 4) June 5,
25 2003 Cancellation of Brief Enforcement Hearing.
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The Commission considered the Notice of Administrative Charges and its incorporated exhibits. The Notice of Administrative Charges and exhibits are incorporated by reference into this Order. The Commission heard oral argument by Staff.

Based on this record, the Commission finds that:

1. RCW 42.17.240 requires elected and appointed officials, after January 1st and before April 15th of each year, to file with the commission a Statement of Financial Affairs for the preceding calendar year.
2. The Respondent is a Fire Commissioner in King County Fire Protection District 45 who held office during 2002 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2003.
3. The Respondent was reminded by letter on May 7, 2003 to file the missing F-1 report. The Respondent was notified on May 23, 2003 that he was scheduled for a brief enforcement hearing on June 12, 2003. The Respondent was notified on June 5, 2003, that the brief enforcement hearing had been canceled because, according to a penalty schedule previously adopted by the Commission, the number of past violations made his case not eligible for a brief enforcement hearing.
4. The F-1 report was not received.

ORDER

Based on the record submitted in this matter, the Commission orders as follows:

1. That the Respondent committed a single violation of RCW 42.17.240;
2. That a total civil penalty of \$500.00 is assessed against the Respondent;

1 **RECONSIDERATION OF FINAL ORDER - COMMISSION**

2 Any party may ask the Commission to reconsider this final order. Parties must
3 place their requests for reconsideration in writing, include the specific grounds or reasons
4 for the request, and deliver the request to the Public Disclosure Commission Office within
5 **TEN (10) days** of the date that the Commission serves this order upon the party. Pursuant
6 to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the
7 petition for reconsideration if, within twenty (20) days from the date the petition is filed, the
8 Commission does not either dispose of the petition or serve the parties with written notice
9 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the
10 Respondent is not required to ask the Public Disclosure Commission to reconsider the final
11 order before seeking judicial review by a superior court.
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15 **FURTHER APPEAL RIGHTS – SUPERIOR COURT**

16 Pursuant to RCW 42.17.395(5), a **final order** issued by the Public Disclosure
17 Commission is subject to judicial review under the Administrative Procedures Act, chapter
18 34.05 RCW. The procedures are provided in RCW 34.05.510 - .598. Pursuant to RCW
19 34.05.542(2), a petition for judicial review must be filed with the superior court in Thurston
20 County or the petitioner's county of residence or principal place of business. The petition
21 for judicial review must be served on the Public Disclosure Commission and any other
22 parties within **30 days** of the date that the Public Disclosure Commission serves this final
23 order on the parties.
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1 If reconsideration is properly sought, the petition for judicial review must be served
2 on the Public Disclosure Commission and any other parties within thirty (30) days after the
3 Commission acts on the petition for reconsideration.
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6 **ENFORCEMENT OF FINAL ORDERS**

7 The Commission will seek to enforce this final order in superior court under RCW
8 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid
9 and no petition for judicial review has been filed under chapter 34.05 RCW. This action
10 will be taken without further order by the Commission.

11 DATED THIS 26th day of September, 2003.
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13 FOR THE COMMISSION:

14 /s/

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16 VICKI RIPPIE, Executive Director
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